

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

IN RE: MCP No. 192, NEGATIVE OPTION RULE
CUSTOM COMMUNICATIONS, INC., D/B/A CUSTOM ALARM,
ET AL.,
Petitioners,

v.

FEDERAL TRADE COMMISSION,
Respondent.

On Petition for Review of a Final Rule of the
Federal Trade Commission (RIN 3084—AB60)

JOINT MOTION OF THE FEDERAL TRADE COMMISSION AND
PETITIONERS FOR EXTENSION OF BRIEFING SCHEDULE ON
MOTION FOR STAY PENDING REVIEW

Helgi C. Walker
Lucas C. Townsend
Michael P. Corcoran
Lael D. Weinberger
Connor P. Mui
GIBSON, DUNN & CRUTCHER LLP
1700 M St. N.W.
Washington, D.C. 20036
(202) 955-8500
hwalker@gibsondunn.com

Counsel for Petitioners

ANISHA S. DASGUPTA
General Counsel

BRADLEY DAX GROSSMAN
MATTHEW M. HOFFMAN
BENJAMIN F. AIKEN
Attorneys

FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580
bgrossman@ftc.gov
202-326-2994

Counsel for Respondent

Respondent, the Federal Trade Commission, and Petitioners respectfully and jointly move under Fed. R. App. P. 26(b) to extend the deadlines for the FTC to respond to Petitioners' Motion for Stay Pending Disposition of Petitions for Review ("Motion") and for Petitioners to file their reply in support of the Motion. The FTC's opposition to the Motion is currently due December 16, 2024, and the FTC seeks an extension of time to December 20, 2024. With that extension, Petitioners' reply in support of the Motion would ordinarily be due December 27, 2024. Petitioners seek an extension until January 3, 2025.

The FTC's request for an extension is justified by the number and complexity of issues raised in the Motion, the need to analyze over 350 pages of evidence appended to the Motion, and the need for multiple levels of review of the opposition within the FTC. Petitioners' request for an extension on the reply brief is needed to accommodate availability of clients over the holidays and other professional commitments of petitioners' counsel that would be affected as a result of extending the FTC's opposition deadline to December 20.

The parties thus jointly ask that these mutually agreed-upon extensions be granted. The FTC's deadline for opposing Petitioners' Motion should be extended to December 20, 2024, and Petitioners' deadline for filing their reply should be extended to January 3, 2025.

Respectfully submitted,

ANISHA S. DASGUPTA
General Counsel

/s/ Helgi C. Walker

Helgi C. Walker
Lucas C. Townsend
Michael Corcoran
Lael D. Weinberger
Connor P. Mui
GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036
(202) 955-8500
hwalker@gibsondunn.com

Counsel for Petitioners

/s/ Bradley Grossman

BRADLEY DAX GROSSMAN
MATTHEW M. HOFFMAN
BENJAMIN F. AIKEN
Attorneys
FEDERAL TRADE COMMISSION
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580
bgrossman@ftc.gov
202-326-2994

Counsel for Respondent

December 11, 2024

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I certify that the foregoing motion complies with the volume limitations of Fed. R. App. P. 27(d)(2)(A) because it contains 227 words, as created by Microsoft Word, excluding the items that may be excluded under Fed. R. App. P. 32(f).

December 11, 2024

/s/ *Bradley Grossman*

Bradley Dax Grossman

Attorney

Federal Trade Commission

600 Pennsylvania Ave., N.W.

Washington, D.C. 20580

CERTIFICATE OF SERVICE

I certify that on December 11, 2024, I served the foregoing motion on counsel of record using the Court's electronic case filing system. All counsel of record are registered ECF filers.

Dated: December 11, 2024

/s/ Bradley Grossman

Bradley Dax Grossman

Attorney

Federal Trade Commission

600 Pennsylvania Ave., N.W.

Washington, DC 20580